

REMARKS/ARGUMENTS

Claims 1, 3–7, 9, 10, 14, 16, 18, and 20 have been amended, Claims 2, 8, and 15 have been canceled. No claims have been added. Claims 1, 3–7, 9–14, and 16–21 remain in the application. Reconsideration of the application is requested.

Summary of the Amendments

Amendments to the Claims

The foregoing amendments place the claims in substantial conformance with the claims granted upon the corresponding New Zealand patent. Claim 1 has been amended to include the subject matter of former Claim 2, now cancelled. Claims 9, 10, 14, and 16 have also been amended to include the limitation “wherein the distal end includes fastener retaining means to assist retention of a fastener.” Claims 16–21 have been amended to recite a method of fastening a “sail” instead of a “membrane.” All of the claims have been amended to recite a “clew ring” instead of a “membrane connector.” Claims 2, 8, and 15 are cancelled.

Objections to the Abstract

The abstract of the disclosure is objected to because it is not on a separate sheet. The foregoing amendments are believed to correct this informality, and withdrawal of the objection is requested.

Objections to the Drawings

The drawings are objected to under 37 C.F.R. 1.83(a) in that they fail to show a polygonal connector, which is an element of Claim 8. Claim 8 has now been cancelled, and this rejection is therefore moot.

Rejections Under 35 U.S.C. § 112

Claims 18 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner points to the language in claim 18, “the opposite side of the projection.” However, the Examiner does not state what is objectionable about the language. Applicant assumes the objection is based on lack of proper antecedent basis and has proceeded accordingly. The foregoing amendments are believed to overcome this objection. If the objection is based on other than lack of antecedent basis, further explanation of the basis for the objection would be appreciated.

Substantive Rejections

Claim 1 has been amended to include the limitations of former Claim 2, now cancelled. Accordingly, the patentability of Claim 1 will be addressed based on the Examiner’s rejection of Claim 2 in the previous office action.

The Examiner rejected Claim 2 under 35 U.S.C. 103(a) as being unpatentable over Ackerman in view of Brown. According to the Examiner, Ackerman fails to disclose fastener retaining means as claimed. However, Brown teaches perpendicular projections 22 for preventing a line or cord from slipping off a projection. The Examiner thus concludes that it

would have been obvious to one of ordinary skill in the art at the time of the invention to provide an expanded portion to the end of the projection of Ackerman as taught by Brown. According to the Examiner, such a combination would have been desirable to assure that the line does not slip from the projection easily.

Claim 1 as amended recites a clew ring having a projection projecting into the interior space of a substantially annular body, the projection being provided in substantially the same plane as the body and including a fastener means to assist retention of a fastener. Ackerman discloses a tensioning fitting formed with a closed ring-like portion having at least one integral prong projecting inwardly of the ring. Ackerman does not disclose a fastener means being provided on the prong to retain a strand of the net in position over the prong, but instead features constrictions on the prong and ring which cooperate to retain the strand about the prong.

Brown discloses a catenary cable link including a tongue or projection having at its inner end a perpendicular cross member, as shown in Figure 2, to prevent the catenary cable slipping off the free end of the tongue when the cable is not in tension. However, the perpendicular projections 22 and 23 of Brown form cross member 19 which is described in column 2, lines 44-48 as lying in a plane which is "generally perpendicular to the plane in which the several sides of the ringlike member 10 lie, as best seen in FIGURE 2." One of ordinary skill in the art attempting to combine the features of Ackerman and Brown would, at best, construct a fastener having a closed, ringlike portion as taught by Ackerman, with a generally perpendicular projection out of the plane of the body, as taught by Brown.

According to Claim 1, a fastening means is provided in substantially the same plane as the body. Brown does not disclose a fastener retaining means being provided in substantially the same plane as the body of a clew ring, as is claimed in Claim 1 as amended. The clew ring of the present invention is less likely to snag and/or damage other fittings when compared with the “generally perpendicular” cross member formed by the perpendicular projections of Brown.

Accordingly, Claim 1 as amended would not have been obvious in view of either Ackerman or Brown. Furthermore, there would not appear to be any reason as to why a person of ordinary skill in the art would have combined the tensioning fitting of Ackerman, which includes constrictions between the prong and ring to retain a strand about the prong, with the disclosure of Brown, which discloses a perpendicular cross member providing substantially the same function. Thus, any conclusion that the present invention is obvious over Ackerman in view of Brown could only be based on improper hindsight reasoning. It would not have been obvious to a person skilled in the art to combine the disclosure of Ackerman with that of Brown and/or Zutten to arrive at the present invention according to Claim 1.

For the foregoing reasons, Claim 1 and Claims 3–7 dependent therefrom are believed patentable.

For the same reasons set forth above with respect to Claim 1, Claim 9 is believed patentable.

Claim 10 recites the combination of a sail and a clew ring. For the same reasons set forth above with respect to Claim 1, Claim 10 and Claims 11-13 dependent therefrom are believed patentable.

Claim 14 recites a sailing ship comprising a sail and a clew ring. For the same reasons set forth above with respect to Claim 1, Claim 14 is believed patentable.

Claim 16 recites a method of fastening a sail comprising the step of providing a clew ring. For the same reasons set forth above with respect to Claim 1, Claim 16 and Claims 17-21 dependent therefrom are believed patentable.

A request for a one-month extension of time for filing a response, together with the fee required by 37 C.F.R. 1.17(a)(1), is enclosed. The time for filing a response is thereby extended to July 19, 2008.

While no additional fees are believed due, the Commissioner is hereby authorized to charge any additional fees and credit any refund to Deposit Account No. 11-0855.

The foregoing is believed fully responsive to the Office Action dated March 19, 2008. Applicant respectfully requests that a timely Notice of Allowance issue in this case.

Respectfully submitted:



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